
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
The Friends of the High Line)	File No.: EB-FIELDNER-17-00023317
Licensee of Station WQKP916)	
)	
New York, New York)	NOV No.: V20173238003

NOTICE OF VIOLATION

Released: January 20, 2017

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to The Friends of the High Line, licensee of radio station WQKP916 in New York, New York. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On January 11, 2017, in response to a complaint of interference, an agent of the Enforcement Bureau's New York Office investigated and determined that the source of the interference was a signal booster, or Bi-Directional Amplifier (BDA), EMR Corp. Model 850622. The BDA was operated as part of station WQKP916 and was located at 820 Washington Street, New York, New York. The agent observed the following violation:

47 C.F.R. § 90.219(e)(3) of the Rules: "Spurious emissions from a signal booster must not exceed -13 dBm within any 100 kHz measurement bandwidth." At the time of the investigation, The Friends of the High Line's booster was emitting a spurious signal which drifted between 467.4000 and 467.7000 MHz and exceeded the -13 dBm limit.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, The Friends of the High Line must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct The Friends of the High Line to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of The Friends of the High Line with personal knowledge of the representations provided in The Friends of the High Line's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in The Friends of the High Line possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Region One Office
Enforcement Bureau
9200 Farm House Lane
Columbia, Maryland 21046

6. This Notice shall be sent to The Friends of the High Line at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).